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15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. 17-206-JAK

21 Plaintiff,

22 STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
23 ACT

24 v.

25 TREVON MAURICE FRANKLIN,

26 Defendant.

27 **CURRENT TRIAL DATE:** 2/27/18
[PROPOSED] TRIAL DATE: 6/26/18

28 Plaintiff United States of America, by and through its counsel
of record, the United States Attorney for the Central District of
California and Assistant United States Attorney Ryan White, and
defendant TREVON MAURICE FRANKLIN ("defendant"), both individually
and by and through his counsel of record, Deputy Federal Public
Defender Summer Lacey, hereby stipulate as follows:

29 1. The Indictment in this case was made public on June 13,
30 2017. Defendant first appeared before a judicial officer of the
31 court in which the charges in this case were pending on June 27,
32

1 2017. The Speedy Trial Act, 18 U.S.C. § 3161, originally required
2 that the trial commence on or before September 5, 2017.

3 2. On June 27, 2017, the Court set a trial date of August 22,
4 2017, and a pretrial conference/motions hearing date of August 10,
5 2017.

6 3. The Court has previously continued the trial date in this
7 case from August 22, 2017, to February 27, 2018, and found the
8 interim period to be excluded in computing the time within which the
9 trial must commence, pursuant to the Speedy Trial Act.

10 4. Defendant is released on bond pending trial. The parties
11 estimate that the trial in this matter will last approximately two to
12 three days.

13 5. By this stipulation, defendant moves to continue the trial
14 date to June 26, 2018, and to continue the pretrial
15 conference/motions hearing date to June 14, 2018. This is the second
16 request for a continuance.

17 6. Defendant requests the continuance based upon the following
18 facts, which the parties believe demonstrate good cause to support
19 the appropriate findings under the Speedy Trial Act:

20 a. Defendant is charged with a violation of 17 U.S.C.
21 § 506(a)(1)(B), 18 U.S.C. 2319(a): Criminal Infringement of a
22 Copyright. The government has produced discovery to the defense,
23 including approximately 364 pages or files of records (certain
24 electronic files contain more than one page of records each).

25 b. Defense counsel has the following conflicts: United
26 States v. Sosa-Peterson, CR 17-87-DMG, a false information on a
27 passport case scheduled for trial on February 13, 2018, and estimated
28 to last 2-3 days. United States v. Rodriguez, CR 17-782-JFW, a

1 multiple defendant felon in possession of a weapon case scheduled for
2 trial on February 20, 2018, and expected to last 2-3 days. United
3 States v. Cruz, CR 17-335-FMO, a mail theft and felon in possession
4 of a weapon case scheduled for trial on February 20, 2018, and
5 expected to last 2-3 days. United States v. Hobbs, CR 17-364-GW, a
6 possession with intent to distribute a controlled substance case.
7 Trial is scheduled for March 6, 2018, and is estimated to last 3
8 days. United States v. Bellamy, CR 17-117-MWF, a possession with
9 intent to distribute cocaine case. Trial is scheduled to begin on
10 March 20, 2018, and is expected to last 2-3 days. United States v.
11 Lindsey, CR 17-301-SJO, a mail theft case. Trial is scheduled for
12 April 10, 2018, and is estimated to last 2 days. United States v.
13 Carper, CR 17-521-SVW, a possession of child pornography case. Trial
14 is scheduled for April 17, 2018, and is estimated to last 4 days.
15 United States v. Brown, CR 16-669, a theft of government property
16 case. Trial is scheduled for April 24, 2018, and is estimated to last
17 2-3 days. United States v. Shelton, CR 17-391-GW, a felon in
18 possession of a weapon case scheduled for trial on May 1, 2018, and
19 expected to last 2-3 days. United States v. Garrett, CR 17- 422-ODW,
20 a theft of government property case. Trial is scheduled to begin on
21 May 15, 2018, and is expected to last 2-3 days. United States v.
22 Hurt, CR 17-293-SJO, a theft of government property case. Trial is
23 scheduled to begin on May 22, 2018, and is expected to last 2-3 days.
24 Accordingly, counsel represents that she will not have the time that
25 she believes is necessary to prepare to try this case on the current
26 trial date.

27 c. In light of the foregoing, counsel for defendant also
28 represents that additional time is necessary to confer with

1 defendant, conduct and complete an independent investigation of the
2 case, conduct and complete additional legal research including for
3 potential pre-trial motions, review the discovery and potential
4 evidence in the case, and prepare for trial in the event that a
5 pretrial resolution does not occur. Defense counsel represents that
6 failure to grant the continuance would deny her reasonable time
7 necessary for effective preparation, taking into account the exercise
8 of due diligence.

9 d. Defendant believes that failure to grant the
10 continuance will deny him continuity of counsel and adequate
11 representation.

12 e. The government does not object to the continuance.

13 f. The requested continuance is not based on congestion
14 of the Court's calendar, lack of diligent preparation on the part of
15 the attorney for the government or the defense, or failure on the
16 part of the attorney for the Government to obtain available
17 witnesses.

18 7. For purposes of computing the date under the Speedy Trial
19 Act by which defendant's trial must commence, the parties agree that
20 the time period of February 27, 2018 to June 26, 2018, inclusive,
21 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
22 (h)(7)(B)(i) and (h)(7)(B)(iv) because the delay results from a
23 continuance granted by the Court at defendant's request, without
24 government objection, on the basis of the Court's finding that:
25 (i) the ends of justice served by the continuance outweigh the best
26 interest of the public and defendant in a speedy trial; (ii) failure
27 to grant the continuance would be likely to make a continuation of
28 the proceeding impossible, or result in a miscarriage of justice; and

1 (iii) failure to grant the continuance would unreasonably deny
2 defendant continuity of counsel and would deny defense counsel the
3 reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence.

5 8. Nothing in this stipulation shall preclude a finding that
6 other provisions of the Speedy Trial Act dictate that additional time
7 periods be excluded from the period within which trial must commence.
8 Moreover, the same provisions and/or other provisions of the Speedy
9 Trial Act may in the future authorize the exclusion of additional
10 time periods from the period within which trial must commence.

11 IT IS SO STIPULATED.

12 Dated: January 22, 2018

Respectfully submitted,

13 NICOLA T. HANNA
14 United States Attorney

15 PATRICK R. FITZGERALD
16 Assistant United States Attorney
17 Chief, National Security Division

18 RYAN WHITE
19 Assistant United States Attorney

20 _____
21 RYAN WHITE
22 Attorneys for Plaintiff
23 UNITED STATES OF AMERICA

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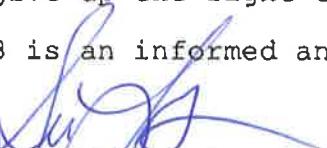
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1 I am TREVON MAURICE FRANKLIN's attorney. I have carefully
2 discussed every part of this stipulation and the continuance of the
3 trial date with my client. I have fully informed my client of his
4 Speedy Trial rights. To my knowledge, my client understands those
5 rights and agrees to waive them. I believe that my client's decision
6 to give up the right to be brought to trial earlier than June 26,
7 2018 is an informed and voluntary one.

8 
9 SUMMER LACEY
10 Attorney for Defendant
TREVON MAURICE FRANKLIN

Date

1-22-18

11
12 I have read this stipulation and have carefully discussed it
13 with my attorney. I understand my Speedy Trial rights. I voluntarily
14 agree to the continuance of the trial date, and give up my right to
15 be brought to trial earlier than June 26, 2018. I understand that I
16 will be ordered to appear in Courtroom 10B of the Federal Courthouse,
17 350 W. First Street, Los Angeles, California on June 26, 2018 at 9:00
18 a.m.

19 
20 TREVON MAURICE FRANKLIN
Defendant

Date

1-22-2018

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